

立法會
Legislative Council

LC Paper No. CB(2)1686/12-13
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Monday, 27 May 2013, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Hon CHAN Kam-lam, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon WONG Kwok-kin, BBS
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon Frankie YICK Chi-ming
Hon YIU Si-wing
Hon MA Fung-kwok, SBS, JP
Hon KWOK Wai-keung
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Elizabeth QUAT, JP
Hon CHUNG Kwok-pan

Member attending : Hon Gary FAN Kwok-wai

Members absent : Hon LAU Wong-fat, GBM, GBS, JP
Hon Dennis KWOK

Public Officers attending : Item IV

Independent Commission Against Corruption

Mr Simon PEH Yun-lu, SBS, IDSM
Commissioner

Mrs Jennie AU YEUNG WONG Mei-fong
Acting Assistant Director / Administration

Item V

The Administration

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

Mr Vic YAU Cheuk-hang
Principal Assistant Secretary (Security)

Mr Michael CHAN Chi-pui, MBS, MBB, GMSM, AE
Controller
Government Flying Service

Mr Jason YUEN Kam-tong
Senior Aircraft Engineer (Support)
Government Flying Service

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 11

Mr Raymond LAM
Senior Council Secretary (2) 7

Miss Lulu YEUNG
Clerical Assistant (2) 1

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I. Confirmation of minutes of previous meeting

(LC Paper No. CB(2)1002/12-13)

The minutes of the meeting held on 1 March 2013 were confirmed.

II. Information papers issued since the last meeting

(LC Paper Nos. CB(2)1127/12-13(01), CB(2)1164/12-13(01),
CB(2)1167/12-13(01), CB(2)1180/12-13(01) and
CB(2)1201/12-13(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) joint letter from Hon James TO, Hon Albert HO, Hon Emily LAU, Hon Cyd HO, Hon Alan LEONG and Hon Dennis KWOK regarding the Police's handling of cases in relation to public order events;
- (b) letter from Hon Claudia MO to the Secretary for Security, which was copied to the Panel, regarding his comments on an increase in the number of rape cases and the Administration's reply;
- (c) letter from Hon James TO regarding the expenditure of disciplined services on overseas duty visits, official entertainment and souvenirs; and
- (d) letter from Hon Ronny TONG regarding the disclosure of information by the Independent Commission Against Corruption ("ICAC") and policy bureaux/government departments to the Legislative Council.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)1160/12-13(01) and (02))

3. Members agreed that the following items would be discussed at the next regular meeting on 4 June 2013 at 2:30 pm -

- (a) Managing the self-harm behaviour of persons in custody by Correctional Services Department; and

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- (b) The operation and review of the Sexual Conviction Record Check Scheme.

4. The Chairman informed members that a visit was being arranged for members to better understand the operations of the Marine Police on 10 June 2013. He said that more visits to facilitate members' understanding of the operations of the disciplined services would be arranged in future.

IV. Mechanism of Independent Commission Against Corruption for approval of duty visits outside Hong Kong and reimbursement of expenditure on official entertainment and souvenirs

(LC Paper Nos. CB(2)1032/12-13(01), CB(2)1049/12-13(01) to (03), CB(2)1148/12-13(01) and FS26/12-13)

5. Commissioner, Independent Commission Against Corruption ("C/ICAC") briefed Members on ICAC's mechanism for approval of duty visits outside Hong Kong and reimbursement of expenditure on official entertainment and souvenirs.

6. Referring to recent media reports on the amount spent by Mr Timothy TONG, former C/ICAC, on gifts and souvenirs during his five-year tenure, C/ICAC clarified that the total amount spent on gifts and souvenirs during Mr TONG's five year tenure should be \$724,000, comprising \$282,873 on gifts for officials from different places, some \$7,500 on souvenirs for academics, representatives from public bodies and non-governmental organizations, about \$201,500 on souvenirs for participants of seminars and talks organized by ICAC, about \$207,000 on souvenirs for visitors and participants of the ICAC Open Day and annual opinion survey of ICAC, as well as about \$25,000 on small disbursements for items such as copper plate with the guest's name.

7. Members noted a fact sheet entitled "Mechanism for approval of duty visits outside Hong Kong and reimbursement of expenditure on official entertainment and souvenirs in the Civil Service" prepared by the Legislative Council ("LegCo") Secretariat.

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Further guidelines issued by the Independent Commission Against Corruption on visits outside Hong Kong, official entertainments and presentation of souvenirs

8. Mr WONG Yuk-man expressed concern that although ICAC's Commission Standing Orders ("CSO") on duty visits outside Hong Kong, official entertainments and presentation of souvenirs were based on the relevant provisions in the Civil Service Regulations ("CSR"), the requirements in CSR were relatively loose and ICAC should issue more stringent guidelines on such matters. Although ICAC had issued further guidelines on such matters, he considered that there was still room for improvement. Referring to paragraphs 4 and 6 of ICAC's paper, he said that the meanings of "prominently conducive to the missions and/or functions of the Commission" and "directly related to the context of the official business" were vague.

9. Mr CHAN Kam-lam said that ICAC should seek to clarify as soon as possible any inaccuracies in media reports relating to ICAC. He considered it necessary for ICAC to maintain exchanges with relevant agencies of other places to prevent corruption involving persons in Hong Kong and other places. He asked whether there had been any changes in expenses of ICAC on duty visits outside Hong Kong, official entertainment and souvenirs since the implementation of the further guidelines from 6 May 2013 onwards.

10. C/ICAC responded that ICAC was aware of the importance of early clarification of matters inaccurately reported by the media. However, time was needed for retrieval of all relevant vouchers and receipts before the total expenses could be verified and the facts clarified. He said that after he had assumed his current post, there had been a substantial drop in ICAC's expenses on duty visits outside Hong Kong, official entertainment and souvenirs.

11. Mr Christopher CHEUNG expressed support for the promulgation of the further guidelines by ICAC on 6 May 2013 to regulate expenditure on duty visits outside Hong Kong, public entertainment and souvenirs. He considered that ICAC should provide its further guidelines to the Civil Service Bureau for reference.

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Endorsement of the official entertainment of the Commissioner of Independent Commission Against Corruption under the further guidelines

12. Referring to paragraph 6 of ICAC's paper, Mr WONG Yuk-man said that it was inappropriate for the official entertainment expenses of C/ICAC to be endorsed by the Head of Operations ("H/Ops") and the compliance of official entertainment attended by both C/ICAC and H/Ops to be checked by Assistant Director/Administration.

13. Mr Michael TIEN and Mr CHAN Hak-kan considered that it was inappropriate for the compliance of official entertainment expenses of C/ICAC to be checked by a subordinate. Mr TIEN considered that instead of such an arrangement, C/ICAC should disclose his respective justifications for official entertainment to the public. Mr CHAN Kam-lam considered that the requirement for official entertainment hosted by C/ICAC to be endorsed by H/Ops was at least better than the absence of any monitoring mechanism.

14. The Chairman considered that it was more appropriate for information on expenses for official entertainment hosted by C/ICAC to be submitted to a committee or subcommittee of ICAC for record and monitoring. The Deputy Chairman said that such information could be submitted to the Advisory Committee on Corruption of ICAC on a regular basis for record and monitoring.

15. C/ICAC responded that the further guidelines on official entertainment were consistent with that under CSR for civil servants and had been found effective. He welcomed the views of his subordinates on his compliance with the guidelines. He said that ICAC would consider the views of Members on the arrangement. He added that the issue would probably also be examined by the Independent Review Committee on ICAC's Regulatory Systems and Procedures for Handling Official Entertainment, Gifts and Duty Visits.

Mechanism for staff of the Independent Commission Against Corruption to report violations of Commission Standing Orders or internal guidelines

16. Ms Cyd HO said that if there had been rules in place in ICAC before 6 May 2013 on expenses for duty visits outside Hong Kong and official entertainment, the staff of ICAC should be familiar with the rules and some staff in ICAC should draw the attention of the former C/ICAC to the requirements. She considered that a mechanism should be established in ICAC for the protection of staff members who reported any violation of CSO or internal guidelines.

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17. C/ICAC responded that ICAC was aware of the importance of clear guidelines on such expenses and had thus adopted further guidelines since 6 May 2013 to set out the requirements clearly. He pointed out that adequate training was provided by ICAC to new staff to facilitate their understanding of the relevant requirements and maintain a culture of high integrity among ICAC officers. He said that he had been encouraging his subordinates to remind him of any possible breach of CSO or internal guidelines.

Taking of strong spirits at official entertainments

18. The Deputy Chairman and Mr LEUNG Kwok-hung considered that ICAC officers should not be allowed to take strong spirits during official entertainments, as an officer might incidentally disclose confidential information when not in a totally conscious state after taking strong spirits. C/ICAC responded that since assuming the current post, he had not used any strong spirits in official entertainments.

Expenditure chargeable to the entertainment vote

19. Referring to paragraph 5 of Annex C to ICAC's paper, the Deputy Chairman asked whether there had been any combination of official entertainment with private entertainment. He also asked about the interpretation of "in the public interest" in paragraph 2(b) of the same annex. C/ICAC responded that he had no knowledge or experience on how to hold such a combined entertainment. Therefore, he was not able to answer the questions.

Tours arranged by the receiving party during official visits outside Hong Kong

20. Mr Alan LEONG said that Mr Timothy TONG had said that it was difficult from a courtesy point of view to decline invitations for sightseeing tours arranged by the receiving party during official visits outside Hong Kong. He asked whether the issue had been dealt with in the further guidelines promulgated by ICAC on 6 May 2013.

21. C/ICAC responded that the further guidelines promulgated on 6 May 2013 required the duration of duty visits outside Hong Kong to be as short as possible covering only the part of the programmes and sessions pertaining to the official purposes of that visit. An officer should not defer his return to Hong Kong for the purpose of joining tours arranged by the receiving party.

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Whether there were grey areas in the guidelines regarding the splitting of entertainment bills

22. The Chairman asked whether there were grey areas in the guidelines before 6 May 2013 regarding the splitting of entertainment bills. Mr Alan LEONG asked whether such grey areas had been dealt with in the further guidelines promulgated on 6 May 2013.

23. C/ICAC responded that the provisions in the guidelines before 6 May 2013 on the subject might not be clear enough. In the Audit Report No. 60, the Director of Audit had pointed out that the charging of different bills to different votes for a meal and dessert taken on one occasion, though in different restaurants, was not in violation of the prevailing guidelines, but it was inconsistent with the spirit of the government requirements. He pointed out that the further guidelines promulgated on 6 May 2013 expressly prohibited that. The further guidelines also spelt out clearly that entertainment expenses were inclusive of any food, beverages, tips and any food or drinks purchased separately for the official entertainment concerned.

Staff turnover and morale in the Independent Commission Against Corruption

24. Mr Michael TIEN asked about the measures adopted by ICAC to address the low morale and high turnover rate of ICAC staff. He also asked about the views of ICAC staff on the further guidelines promulgated on 6 May 2013.

25. C/ICAC responded that the staff turnover rate of ICAC had decreased from a two-digit level in 2007-2008 to the current level of around 5.3% to 5.6%. He was very concerned about staff morale and had recently issued a letter to all ICAC staff encouraging them to continue to maintain a culture of high integrity among ICAC officers. He informed Members that all heads of departments of ICAC were supportive of the further guidelines promulgated on 6 May 2013.

Scope of guests directly related to the context of official business

26. Mr CHAN Hak-kan asked whether the further guidelines adopted on 6 May 2013 had dealt with the issue of attendance of guests unrelated to the context of the official business at official entertainments.

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27. C/ICAC responded that the further guidelines required that only guests who were directly related to the context of the official business were invited. Thus, there was a need to justify that all the guests were directly related to the context of the official business. He pointed out that this requirement was in line with that under CSR.

28. Referring to paragraph 6 of ICAC's paper, Mr Albert HO sought information on the categories of guests regarded as directly related to the context of the official business. He asked whether such guests included Legislative Council Members, members of political parties, members of the media and other organizations. C/ICAC replied in the affirmative.

29. Mr Albert HO asked whether guests who were directly related to the context of the official business included heads of government departments of other places who visited ICAC.

30. C/ICAC responded that requests for visiting ICAC were frequently received from officials from different countries and places. If the request was related to the work of ICAC, it was the usual practice to receive the guest. However, it only involved guided tour of the exhibition facilities by ICAC staff. No official entertainment was involved.

31. Mr Albert HO asked whether liaison between C/ICAC and the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("the Liaison Office") was fallen within the official business of ICAC. C/ICAC responded that in the Liaison Office, there was a Supervision Department which undertook the local liaison work of the Ministry of Supervision and the Supreme People's Procuratorate. Since 1988, ICAC had maintained liaison with the Supreme People's Procuratorate on mutual assistance in the investigation of cross-boundary corruption cases and corruption cases in which the suspects or witnesses were in the Mainland. C/ICAC said that after he had assumed the current post, he had attended a dinner hosted by the Liaison Office and invited the head of the Supervision Department to attend as guest to a seminar organized by ICAC.

Provision of further guidelines to the Panel

32. The Deputy Chairman, Mr LEUNG Kwok-hung and Mr Alan LEONG considered that ICAC should provide members with its further internal guidelines, which were adopted since 6 May 2013, on duty visits outside Hong Kong, official entertainment expenses and presentation of souvenirs. C/ICAC responded that as the guidelines were intended for

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ICAC internal reference only, he would consider whether the gist of the internal guidelines could be provided to members. The Chairman said that ICAC could consider depositing a copy of its internal guidelines with the LegCo Secretariat for perusal by interested members at a designated location within the LegCo Complex. C/ICAC agreed to consider members' request.

V. Replacement of seven helicopters and the associated mission equipment of the Government Flying Service

(LC Paper Nos. CB(2)1148/12-13(02) and CB(2)1160/12-13(03))

33. The Chairman drew members' attention to Rule 83A of the Rules of Procedure concerning personal pecuniary interest to be disclosed.

34. Under Secretary for Security ("US for S") briefed Members on the proposal of the Government Flying Service ("GFS") to replace seven helicopters and associated mission equipment of GFS.

35. Members noted a background brief entitled "Replacement of aircraft and the associated mission equipment of the Government Flying Service" prepared by the LegCo Secretariat.

Comparison between the existing and new helicopters

36. Mr YIU Si-wing asked whether there would be any change in the number of manpower responsible for repair, maintenance and operation of helicopters. He sought information on the emission level and airborne time of the new helicopters.

37. US for S said that there would not be any change in the number of staff responsible for repair, maintenance and operation of helicopters after the replacement. He said that the airborne time of new medium-sized helicopters would be some 27% longer than that of the existing fleet. He added that the radius of action of aircraft would also affect the airborne time. At present, the radius of action of an existing Super Puma helicopter was 200 nm and that of an existing Dauphin helicopter was about 100 nm. GFS planned to procure a new medium-sized helicopter model with about 140 nm to 160 nm radius of action. The new model would be able to undertake operations which were currently handled separately by Super Puma and Dauphin helicopters. The new helicopters would also be required to meet the latest emission standards in force in Hong Kong.

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Use of helicopters and fixed-wing aircraft of the Government Flying Service to provide support to other government departments

38. The Deputy Chairman expressed concern that there had been media reports that Mr Timothy TONG, former C/ICAC had, when serving as Deputy Secretary for Security, asked GFS to provide a helicopter for parachuting by a public figure. Noting from paragraph 2 of the Administration's paper that helicopters of GFS were mainly responsible for search and rescue, air ambulance, internal security and hill fire fighting duties, the Deputy Chairman sought information on the other duties performed by the helicopters of GFS.

39. US for S responded that requests from other government departments for provision of support service by GFS had to satisfy the following conditions -

- (a) such deployment of helicopter should not affect the air ambulance, search and rescue services of GFS;
- (b) the requested task was related to the official business of the government department concerned;
- (c) no other suitable mode of transport was available; and
- (d) the request was approved by a directorate staff of the government department concerned.

40. The Chairman asked whether requests from government departments for deployment of fixed-wing aircraft were also subject to the same requirements. US for S replied in the affirmative. He stressed that the requested task had to be related to the official business of the government department concerned and the Controller of GFS would make the final decision in all cases.

41. The Deputy Chairman sought information on the flying hours of GFS helicopters by nature of tasks for operations other than air ambulance, rescue and search. He expressed concern whether any government department had requested the provision of helicopters by GFS for sightseeing by visitors from other countries or places.

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42. Controller, Government Flying Service ("C/GFS") responded that GFS maintained statistics on the number of flying hours by government departments. He stressed that all support service provided by GFS were confined to the official business of the requesting government department, such as the transportation of persons to remote areas for carrying out emergency repair, airborne monitoring and visits of Justices of the Peace to remote areas.

Operation of the existing helicopters before the delivery of new helicopters

43. Mr YIU Si-wing expressed support for the Administration's proposal. He asked whether the operation of the existing helicopters of GFS would be affected by the shortage of spare parts before commissioning of the new helicopters in October 2017. US for S responded that arrangements had been made for the procurement of sufficient spare parts for the existing GFS helicopter fleet for use in the coming four years. More preventive maintenance would be undertaken for these aging helicopters.

Whether the existing helicopter fleet should be replaced by a single model of medium-sized helicopters

44. Mr Gary FAN expressed concern that if the new fleet of GFS helicopters comprised one single model only, GFS helicopter operation might come to a total halt with any suspension of operation of the model arising from manufacturing defects.

45. US for S responded that after the commissioning of the entire helicopter fleet, one of the existing Dauphin helicopters would be retained as backup. He said that in addition to the back-up helicopter, GFS fixed-wing aircraft could also assist in operations by coordinating with other surface vessels in the vicinity to provide rescue service if necessary. In response to Mr Gary FAN's question on the capacity of helicopters, he said that the total passenger carrying capacity of the existing helicopter fleet was 88 passengers, while that of a medium-sized helicopter fleet would be 105 passengers. The maximum load-carrying capacity of the existing fleet was 15 370 kg, while that of the new fleet would be about 17 000 kg.

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46. Mr Gary FAN expressed concern whether roadside rescue services would be affected if there were only medium-sized helicopters in the GFS fleet. C/GFS responded that small-sized helicopters might not necessarily be more suitable for roadside rescue. He said that GFS would maintain the existing level of service after the replacement of helicopter fleet.

Whether the proposed helicopter replacement exercise had any impact on recurrent expenditure

47. The Chairman asked whether the proposed helicopter replacement exercise would lead to a change in the manpower needs of GFS. US for S responded that there would not be any change in manpower required for the repair, maintenance and operation of the new helicopter fleet. He said that with a single model helicopter fleet, the training time for pilots would be reduced from 1 800 hours to 1 600 hours per year. He said that a single model helicopter fleet would also make regular repair and maintenance more effective.

Procurement process

48. Mr Gary FAN said that the passenger carrying capacity of the proposed new helicopter fleet seemed to match with that of a certain helicopter model manufactured in the Mainland. He queried whether the Administration had already planned to procure helicopters manufactured in the Mainland.

49. US for S responded that GFS's research had surfaced a number of manufacturers of medium-sized helicopters in the United States, Canada, France and Italy. Among some eight medium-sized helicopter models available on the world market, five models were in service and two of the remaining three models had already received order from overseas operators. He stressed that the new helicopters would be procured in accordance with the government's established procurement procedures, which involved open tender and the tenders received would be evaluated by a tender board.

50. The Chairman concluded that members supported in principle the Administration's submission of its proposal to the Finance Committee.

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51. There being no other business, the meeting ended at 6:35 pm.

Council Business Division 2
Legislative Council Secretariat
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